

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Third-Party Defendant.

Plaintiff Cadsoft Corporation (“Cadsoft”), Defendant/Third-Party Plaintiff Riverdeep, Inc., LLC, and Third-Party Defendant Punch Software, LLC (“Punch”) stipulate that the trial

1 date in this matter, currently set for November 5, 2007 should be continued until February 18,
2 2008, as follows:

3 1. The parties have been diligently prosecuting their respective positions in this
4 litigation. Currently, trial is set for November 5, 2007. The discovery cutoff is October 5,
5 2007, with expert disclosure set for September 17, 2007. However, several things have
6 happened since the trial date was originally set in this case that the parties believe warrant
7 continuing the trial date until February 2008 and continuing associated case management
8 deadlines accordingly.
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10 2. On August 8, 2007, plaintiff Cadsoft filed an amended complaint adding a claim
11 for copyright infringement. Plaintiff seeks to enforce the copyright, which is a Canadian
12 copyright, under the provisions of the Berne Convention. Defendant Riverdeep needs
13 additional time to seek discovery into the copyright claim so that it may fully evaluate that
14 claim, and make informed decisions about finding and retaining relevant experts which may
15 include experts on Canadian law. Riverdeep further needs this discovery and time to evaluate
16 and to determine whether the claim is subject to resolution by dispositive motion. Given its
17 recent addition of the copyright claim, plaintiff Cadsoft does not oppose this additional time for
18 discovery and expert designation. Third party defendant Punch, similarly, does not oppose this
19 additional time for discovery and expert designation. Simply, there is insufficient time to
20 complete discovery into the copyright claim, find and retain experts, and make a determination
21 on any dispositive motions prior to the expert disclosure date and trial date.
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23 3. Next, a key Riverdeep witness and participant in this case, the Riverdeep General
24 Counsel, will be on her honeymoon during the time currently set for trial. At the time the case
25 was set for trial, Riverdeep was unclear whether she would be a witness at trial. As the case
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1 progressed, however, the essential nature of her testimony became clear, and Riverdeep believes
2 it would be prejudiced if forced to try this case without her live testimony. Cadsoft agrees that
3 her testimony is necessary and intends to call her as a witness.
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5 4. There are currently several discovery disputes amongst the parties. While Cadsoft
6 has filed a motion to compel, the hearing date has not been set by the Magistrate Judge. The
7 results of that motion could impose significant additional discovery obligations that cannot be
8 completed before expert disclosure, and potentially trial, including the re-creation of an
9 archived database. In addition, due to scheduling difficulties, the parties only recently
10 completed some essential depositions. The parties anticipate several discovery disputes arising
11 out of those depositions that will likely require resolution by this court. But, transcripts have
12 not yet been received, which means the parties cannot have a meaningful meet and confer about
13 the specific areas of inquiry at issue, and cannot yet file motions. Again, there is insufficient
14 time ahead of the discovery cutoff and expert disclosure deadline to resolve these discovery
15 issues.
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18 5. The parties agree that continuing the trial until February will give them sufficient
19 time to resolve all discovery issues, complete discovery, identify and retain experts, and
20 properly prepare for trial. As far as setting a specific trial date, the only restrictions are that the
21 trial should not take place February 12-16, as certain witnesses are unavailable that week.
22 Assuming a trial date of February 18, 2007, the parties also stipulate to the following case
23 management deadlines:
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25 Non-Expert Discovery Cut-Off: December 1, 2008

26 Expert Disclosure: December 7, 2008

27 Rebuttal Expert Disclosure: January 20, 2008
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1 Last day to hear dispositive motions: January ~~15~~¹¹, 2008 at 10:00 a.m.

2 Expert Discovery Cutoff: January 15, 2008

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3 Pretrial Conference: February ~~15~~⁸, 2008 at 10:00 a.m.

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4 Trial: February ~~18~~¹⁹, 2008 at 9:30 a.m.

6 Dated: September 5, 2007

BUSINESS LITIGATION ASSOCIATES, P.C.

8 /s/

Irwin B. Schwartz

9 John V. Komar

10 Attorneys for Defendant/Third Party Plaintiff

Riverdeep Inc., LLC

12 Dated: September 5, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

14 /s/

15 P. Craig Cardon

16 Attorneys for Plaintiff Cadsoft Corporation

18 Dated: September 5, 2007

SHARTSIS FRIESE LLP

20 /s/

21 Amy L. Hespenheide

Mary Jo Shartsis

22 Attorneys for Third-Party Defendant Punch Software, LLC

23 I, John V. Komar, attest that P. Craig Cardon, counsel for Plaintiff Cadsoft Corporation
24 and Amy L. Hespenheide, counsel for Third-Party Defendant Punch Software, LLC have
25 concurred in the filing of this document.

26 So Ordered: 9/7/07

28 United States

